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**FISCAL IMPACT STATEMENT**

**LS 6762**

**BILL NUMBER:** SB 232

**NOTE PREPARED:** Dec 31, 2009

**BILL AMENDED:**

**SUBJECT:** Midwives.

**FIRST AUTHOR:** Sen. Dillon

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** *Midwifery Board-* The bill establishes the Midwifery Board (MB). The bill sets qualifications for a certified direct entry midwife (CDEM). The bill requires the MB to: (1) establish continuing education requirements; (2) develop peer review procedures; and (3) adopt rules concerning the competent practice of CDEMs.

*Penalty Provision-* The bill establishes penalties for practicing midwifery without a license.

*Culpability Standards-* The bill adds culpability standards to the crimes of practicing medicine or osteopathic medicine and acting as a physician assistant without a license.

*CDEM Administering Drugs-* The bill allows CDEMs to administer certain prescription drugs. The bill allows certain individuals to act under the supervision of a CDEM.

*Various Provisions-* The bill repeals the definition of "midwife" in the medical malpractice law, and adds a definition of "certified nurse midwife". The bill makes conforming changes.

**Effective Date:** July 1, 2012.

**Summary of Net State Impact:** The Professional Licensing Agency (PLA) would incur additional administrative expenditures. The Midwifery Board would have expenditures for various items including: member travel mileage, telephone expense, office supplies, and printing. Cost could be offset by the fees set by the MB for the certification of CDEMs.

**Explanation of State Expenditures:** *Midwifery Board-* The membership of the MB would be appointed by the Governor to oversee the certification of midwives. The MB would require an applicant to be certified by the North American Registry of Midwives (NARM). The MB would be allowed to adopt standards that require more training than the requirements of the NARM.

*Penalty Provision:* The bill establishes a Class A misdemeanor for practicing midwifery without a license and a Class D felony for subsequent violations. The penalty for practice without a license would go into effect after July 1, 2013. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,194 in FY 2009. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

*Professional Licensing Agency:* The PLA would provide the administrative staff to the MB. Need for additional staff would depend on the number of applicants for the license and the workload of current PLA staff with existing professional boards/commissions. An additional COMOT III to process licenses would require \$37,370 in expenditures during FY 2013. The amount includes salary, fringes, and indirect costs associated with establishing the position.

*Background-* As of December 21, 2009, the PLA had three funded vacant positions with salary worth \$65,312. As of late 2009, there were 118 nurse midwives certified to practice in Indiana. NARM reports in their 2008 annual report that 13 individuals in Indiana have achieved a CPM credential. The Indiana Midwives Association (IMA) currently has about 30 midwives or student midwives in their membership.

**Explanation of State Revenues:** *Midwifery Board-* The fees for the certification of direct entry midwives would, presumably, be set at a level to cover certification expenses. The amount of revenue that would be generated by this proposal would depend on the number of persons seeking a CDEM credential. For example, if the certification fee were set at \$100, which is similar to fees for other health professions, 13 individuals seeking certification would raise approximately \$1,300 in the first year of implementation. A license would expire after four years.

*Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44. A Class A misdemeanor is punishable by up to one year in jail. If more defendants are

detained in county jails prior to their court hearings, local expenditures for jail operations may increase.

**Explanation of Local Revenues:** *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** PLA; DOC.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** PLA; Indiana Sheriffs' Association; DOC; North American Registry of Midwives.

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